

In regard to Claims 5, 20 and 30, we have deleted these claims and therefore this rejection no longer applies.

### **Claim Rejections 35 U.S.C. 102**

The Examiner has cited US Patent Des 412,618 against our application. This design patent has a filing date of December 1, 1998 and issued on August 10, 1999. I enclose herewith an Affidavit of Prior Invention under 37 C.F.R. 1.131 indicating that our date of invention is at least as early as October 22, 1998 and we attach a certified copy of our Canadian Patent Application 1998-2600 which was filed October 22, 1998. Therefore, this patent is not citable against our application.

### **Ducharme Patent US 5,881,421**

The Examiner has also cited US Patent 5,881,421 by Jean Claude Ducharme, titled Denture Cleaning Brush which was filed on March 20, 1997 and issued on March 16, 1999 against our patent. The Examiner considers that this patent anticipates a number of our Claims.

We do not agree with the Examiners conclusion for the following reasons. In particular, I draw your attention to our Claim 1 and we will now provide details as to the structural and/or functional differences between our invention and the patented prior art cited against us.

1. We specifically claim a handle axis and a brush plane which are "substantially parallel to each other disposed at an offset distance" which clearly is not the case in the Ducharme Patent.
2. The Examiner has indicated that Ducharme teaches holding the denture cleaning brush in the same manner as our paint brush. Figure 5 of US Patent 5,881,421 to Ducharme is showing the brush being held in a hand. We specifically claim in our Claim 1, paragraph d) that the handle is gripped by placing a four finger along a brush edge and the thumb on a shoulder surface as shown in our Figure 2 as 66. In Ducharme the diagram clearly depicts the finger and the thumb both against brush edges rather than the thumb against a shoulder surface as is in our case. Clearly the Ducharme brush is not held in the same manner as the present invention.

3. Our Claim 1, paragraph b) claims that the handle section is oriented substantially along a handle axis which the reader could only deduce as being a straight axis since we depict and claim the handle axis and the brush plane oriented substantially parallel to each other and disposed at an offset distance. The longitudinal axis 5 defined in Ducharme is curved as opposed to our straight handle axis as depicted as 36 in our Figures.

4. In Claim 1, paragraph d) of our first claim, we indicate that the transition section of the handle provides relief for the web of a hand". The Ducharme handle does not disclose the same function. I refer the Examiner to the discussion regarding how our handle is held versus how the Ducharme Dental Cleaning Brush is held which is in not the same and therefore does not provide the same function.

5. The applied art of Ducharme US Patent 5,881,421 in our opinion teaches art which is unrelated to the present invention. The Ducharme Patent discusses and teaches a Denture Cleaning Brush and Apparatus. Our invention very specifically claims a paint brush handle. The Ducharme Denture Cleaning Brush would not be capable of operating as a paint brush handle. Secondly the technical requirements for a Denture Cleaning Brush are totally different than the technical requirements and functional requirements of a paint brush. We submit that this prior art should not be cited against our application.

We submit that we have distinguished the present invention over the prior art in that we have provided a number of functional and structural differences between the Ducharme Denture Cleaning Brush and the present invention. Therefore, as submitted Claim 1 contains patentable subject matter and is not anticipated or rendered obvious by the Ducharme Patent 5,881,421.

Furthermore re O'Farrell 853 F. 2d 894, 902-904 (Federal Circuit 1988) states that both the suggestion of the modification and the expectation of success must come from the prior art and not from the applicant disclosure, in other words no hind sight reconstruction is allowable to render a claim anticipated or obvious. The Ducharme Patent does not teach holding the handle in the way that we have taught in our application and claimed in our Claim 1. It also does not teach our mechanical structure (ie. parallel orientation).

As a matter of fact the Ducharme Patent teaches a way from the way that we hold our handle in that they teach to hold the brush with finger and thumb on the brush edges rather than with the thumb on the shoulder surface as we have claimed. In W. L. Gore and Associates Inc. v. Garlock Inc., 721 F.2d 1540, 1550 (Federal Circuit 1983) the case stands for the principle that the cited art should be studied carefully to determine if it actually teaches away from the combination put forward by the Examiner. Furthermore, nowhere in Ducharme do they teach that a handle axis and a brush plane to be substantially parallel to one another and in fact teach away from this principle once again since they disclose a longitudinal axis which in fact is curved and not straight.

The points raised in the above apply to independent Claim 1, apply to independent Claim 16 and independent Claim 25. All the other Claims depend from these independent Claims and since these Claims contain patentable subject matter, the Claims depending therefrom would also be allowable.

#### **Claim Rejections 35 U.S.C. - 103**

The Examiner has indicated that Claims 4, 19, 20 and 29 are rejected as being unpatentable over Ducharme because "to optimize such angle of offset does not appear inventive but merely that which one of skill in the art would find obvious by routine experimentation". In other words the Examiner is asserting that the invention would have been rendered obvious from the cited art. If this factor would have been obvious, why then has a paint brush with our construction not been produced to date. The present handle has achieved commercial success in the market place as being very innovative and different than any handles heretofore. We include information regarding the commercialization of the present invention.

Furthermore, the angle suggested by Ducharme is for a totally different purpose than the purpose which we suggest, namely for relief of the web of the hand. Therefore, we believe that these claims are not rendered obvious.

We now submit that this application is in a condition of allowance and look forward to receiving your positive reply.

Respectfully submitted,

  
Mark A. Koch

MAK:pf

Encl.

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# A reinvented paint brush in this week's Tool Test

We've got lot's of new tools for review this morning and great tools they are, but first we have a recall.

If you have recently bought a Stihl Chainsaw and it is the model 019T, stop using it immediately until you check the serial numbers to make sure yours is not one of the ones recalled. The recall is voluntary due to a missing screw that can cause the chain brake to fail and possibly cause serious lacerations. The serial numbers involved are 249129396 through 249956311 and were sold between December 2000 and May 2001.

If yours is one of these, contact Stihl at 800-467-8445 or return it to the dealer where you purchased it.

## Competition

This is a reminder that the 2001 ShortCuts Atlantic Amateur Woodworking Competition's closing date is nearing. The closing date of this year's SAAW competition is August 31, so if you haven't entered yet, you still have time.

There will be thousands of dollars in prizes to be given away, so get your entry forms and rules at [www.shortcuts.ns.ca](http://www.shortcuts.ns.ca) or E-mail me at the address below.

## Tool Test

### Rating system:

- \* = below average quality
- \*\* = average quality
- \*\*\* = very good quality/value
- \*\*\*\* = excellent quality/value
- \*\*\*\*\* = top of the line

## Ergonomic Paint Brushes

Who would have thought that something as simple as a paint brush could be improved? Something like a new mouse trap isn't it?

It seems that some professional painters suffer from carpal tunnel syndrome as well as computer users.

With this in mind the people at Dynamic have in fact developed a new paint brush for both the pros and the amateurs like me to use. And use it I did.

The Flowline™ brush is a radical design that is made to fit your hand in a much more relaxed fashion. The beechwood handle has an offset in the shaft that makes holding it as comfortable as an old pair of slippers. When you hold the Flow-



line paint brush with your thumb and forefinger the bend in the handle fits nicely in the crotch of the two. This also keeps the brush perfectly in line with your hand for more accurate cut-ins.

## Southpaw

As you may know, most brushes have a taper to the bristles so the Flowline brush would be a problem for left handed painters. Well, Dynamic thought of this as well and in the assorted sizes of brushes available you will find them for lefties or righties.

The Flowline brushes come in either 100% Bristle or Poly/Nylon and are available in 1 1/2" - 3" sizes in 1/2" increments.

These are absolutely great to use and ShortCuts gives the Flowline Paint Brushes \*\*\*\*\*.

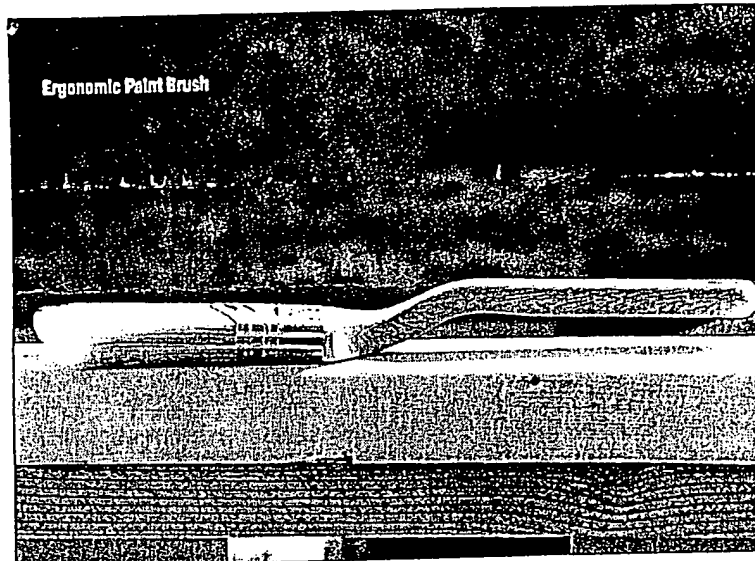
## A Great Tablesaw

Bosch® is really getting aggressive in their new woodworking tool marketing strategy. More bang for the buck is what they seem to be saying and that holds true with the introduction of their Model 4000, 10" Portable Table Saw.

Our sample arrived complete with really neat options, a folding stand that holds the saw securely, a left side table support that extends the table surface to 52" and a dado cutter insert.

The standard equipment includes a miter gauge, a precision, positive locking rip fence, a 15 amp, 4.4 hp motor and a 'soft-start' on/off switch.

When we switched on the saw I was impressed. Normally you would find soft-start electronics in routers, but this is something new for a table saw. The electronics applied here also monitor the torque of the saw. When ripping through a 2" oak board for example, you could feel the increase in power and cut the board with ease and it is quiet.



## The Fence

The table top is 29" x 21.5" and is made from machined cast aluminum and has a polymer body so the total weight is only 60 pounds. I guess what impressed us most was the accuracy of the rip fence. Usually, portable saws are supplied with somewhat flimsy fences that have to be set, checked, set again and re-checked. Not so with the Bosch 4000. Their Square-Lock™ fence was dead-on accurate each and every time.

One other nice feature is the on-board storage for both the miter gauge and the rip fence. It makes for easier toting of the tool. The controls for height and bevel are right up front and are combined and operate smoothly.

Bosch® earns \*\*\*\*\* with this one.

## A Tool That Sucks Big Time

Porter-Cable® is in the sawdust removal business in a big way. They have recently introduced two new wet/dry shop vacuums that frankly, are the best that we have ever seen. There is both a 10 and a 15 gallon model and

we tested the 10 gallon model 7812.

Both models have a power tool outlet that allows you to connect the vacuum to a sander for example. When you turn on your sander a switch in the outlet turns on the vacuum. When you turn off the tool the vacuum will turn off 15 seconds later to clear the hose. This is a great advantage when using the tool either in your shop or around the house.

Some nice features of the 7812 are the big rear wheels, the front swivel wheels with a brake and the non-tip design. You can safely pull the tool around by the hose as most of us do.

## Abrasive Particulates

Another less pretentious name for the subside would be drywall dust. The filtration system of the 7812 will contain 99.85 per cent of any dust entering the machine and with its 94 inch water lifting capacity, you can bet that it won't leave anything behind. The on-board filter is washable.

For dry dust removal there is a large (10 gallon) disposable paper bag for it and for wet jobs, there is an electronic shut-off switch when the 10 gallon tank is full.

The motor on the P.C. 7812 is a two-stage 9/15 amp job that uses the latter when the tool outlet is used.

The 7812 comes with the bare necessities, the vacuum hose, filter bag and manual but there are plenty of options. The 7811 accessory kit contains a three piece steel wand, a floor tool a brush and a crevice tool. These all fit on board in their respective clips and there is even a hook for the extra long power cord.

You will like this one, we did and we give it \*\*\*\*\*.

Have a good week.

<<<<<<<<>>>>>>>

- Graham McCulloch is a woodworker and writer and lives in Halifax. Drop us a note by writing to ShortCuts, c/o Sunday Homes, The Halifax Daily News, P.O. Box 8330, Station 'A', Halifax, Nova Scotia, B3K 5M1. Or you can E-mail us at [gymham@dbis.ns.ca](mailto:gymham@dbis.ns.ca). Need woodworking or do-it yourself product information? More than 10,000 products and services can be found at the Woodworkers Resource Center on the AtlanticCo® hosted ShortCuts web site at [www.shortcuts.ns.ca](http://www.shortcuts.ns.ca).

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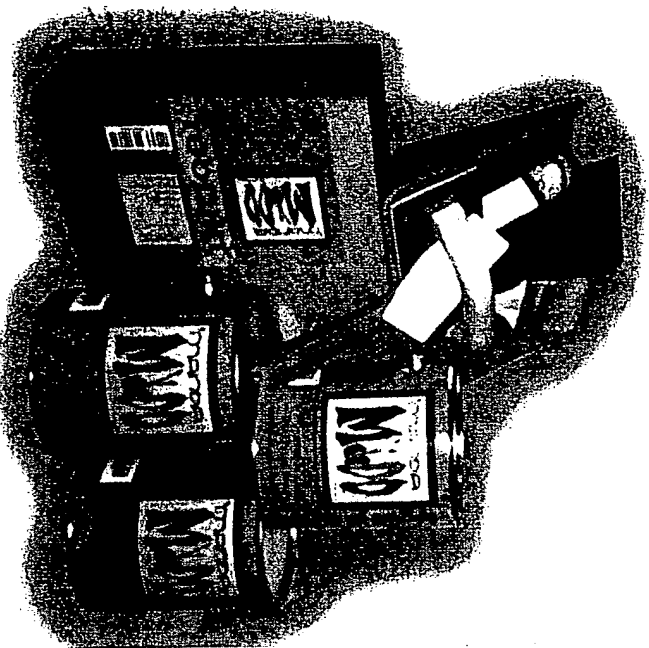
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# product previews



## LEFT & RIGHT-HANDED BRUSH

Dynamic introduced a series of brushes that are ergonomically designed for left- and right-handed painters. The Flowline Brush has a unique shape. The brush's handle band makes the brush conform to the shape of the hand and thus puts no stress on the hand. It provides a better line of sight and allows for easy application. RS# 29



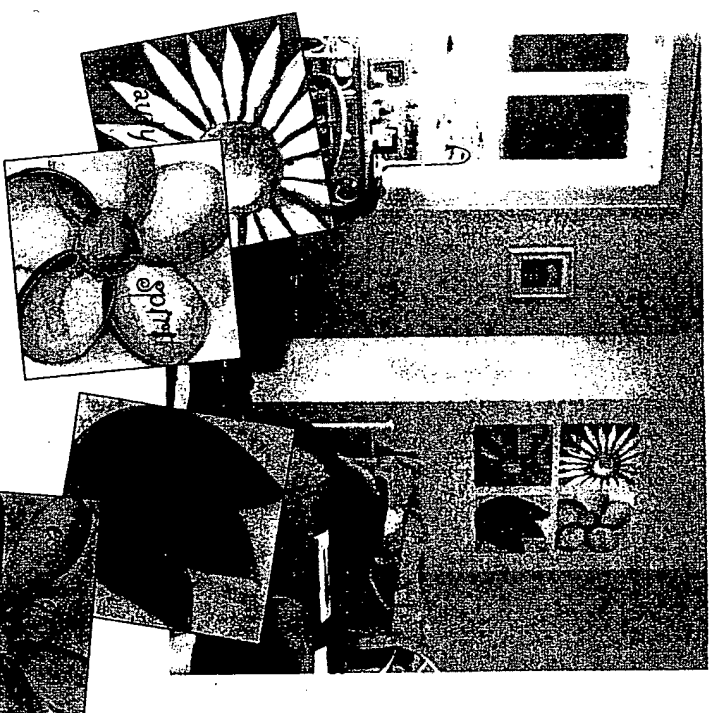
## PLASTER IN A KIT

Manda Mudd presents an easy way to create the beauty of time worn plastered walls. Manda Mudd® is a three-color system where all color combinations are pre-selected for color compatibility. There are 42 colors to choose from. Step 1 is applied with a roller or brush and steps 2 and 3 are applied with the trowel provided in the application kit. RS# 30



## ACIDIC CLEANER

Okon's Wood Cleaner is an easy to use acidic cleaner formulated to restore and renew discolored and gray exterior wood surfaces. It can also be used on plastic, fiberglass, aluminum and vinyl siding and applied by brush or roller in one application. RS# 31



## WALL ART

Imperial introduces Walls My Way™ self-stick wall art. These graphic sheets require no nails, frames or holes. Just peel the liner from the artwork and position on clean surface. The artwork comes die-cut on liner and each panel is 11-1/2" x 11-1/2". Attractive packaging and display will catch customers' eyes. Each display holds 12 packages. RS# 32



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dia. 1



dia. 2

Once you get your hands wrapped around it you won't want to let go. The new **Dynamic Flowline Angular Brush** is so comfortable it will make trim and cutting work less stressful on your hands and you more efficient on the job. Standard brush designs (dia. 1) force the hand to grip the brush awkwardly, increasing stress on fingers and wrist. The **Dynamic Flowline Brush** has been ergonomically designed to help reduce repetitive strain injuries (RSIs). The patented handle design allows the hand to grip and control the brush

with straighter (up to 25°) and more natural movements. It's available in right and left handed models in sizes from 1 1/2 through 3 inches with 100% Natural Bristle or Poly/Nylon filament. Step outside the straight and narrow; you might enjoy it!

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# on the **CALENDAR**

**Oct. 31-Nov. 1:** NeoCon® New York, Jacobs K. Javits Convention Center, New York, N.Y. (312) 527-4141.

**Nov. 5-7:** The 2001 International Coatings Expo, sponsored by the Federal of Societies for Coatings Technology, Georgia World Congress Center, Atlanta, Ga. (610) 940-0777.

**Jan. 19-21, 2002:** Annual Dealer Trade Show, Five Star Group—NY, NJ and MD, Terrace on the Park, Queens, N.Y. Contact Bruce Sherman, VP Sales, (973) 428-4600, ext. 114.

**Jan. 24-26, 2002:** Val-Test Annual Meeting & Show, Loew's Portafino Bay Resort. Orlando, Fla. (847) 413-9900.

**Jan. 29-30, 2002:** Paint & Decorating Show, Pacific Home Fashion

**ion Fair, co-sponsored by PDRA, Messe Frankfurt and G&W McNamara, Riviera Hotel, Las Vegas, Nev. (800) 737-0107.**

**Jan. 30-Feb. 1, 2002:** Surfaces, the industry's premier floor covering event, sponsored by Hanley-Wood Inc., Sands Convention Center, Las Vegas, Nev. (800) 547-3477.

**Feb. 3-5, 2002:** The Canadian Hardware & Building Materials Show and Décor Showcase, co-sponsored by Canadian Retail Hardware Association, Lumber & Building Materials Association of Ontario and PDRA Canada. Contact PDRA Canada at (905) 275-5877.

**Feb. 9-10, 2002:** Annual Dealer Trade Show, Five Star Group—CT, Sturbridge Host Hotel, Sturbridge, Mass. Contact Sam Barrow, VP Sales, (860) 666-6631.

**Feb. 23-24, 2002:** The Eighth Annual Dealer Buying Extravaganza,

Lancaster Schuermann, Kentucky International Convention Center, Louisville, Ky. (800) 845-8287.

**March 20-23, 2002:** Annual Convention of the Painting & Decorating Contractors of America, Palm Springs, Calif. (800) 332-7322.

**March 22-24, 2002:** International Window Coverings EXPO, sponsored by Messe Frankfurt and G&W McNamara, Baltimore Convention Center, Baltimore, Md. (770) 984-8016.

**April 18-20, 2002:** GlobalShop 2002, billed as "The World's Largest Annual Retail Design Event," McCormick Place, Chicago. (877) 835-7236.

**May 17-19, 2002:** Heimtextil Americas, sponsored by Messe Frankfurt, Miami Beach Convention Center, Miami Beach, Fla. (770) 984-8016.

**Sept. 18-22, 2002:** Annual Convention & Trade Show of the National Guild of Professional Paperhangers, Riviera Hotel, Las Vegas, Nev. (800) 254-NGPP.

*This month's calendar sponsored by*

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**Attention: Associations, Buying Groups, Distributors and Other Industry Organizations**

If you have an industry show or event, we (and more importantly, our readers) want to know about it. Send your event information to: On the Calendar, *Paint & Decorating Retailer*, 403 Axminster Drive, Fenton, MO 63026, fax (636) 326-1823 or e-mail [diane@pdra.org](mailto:diane@pdra.org).

## RÉDUCTION DE L'EFFORT ET DES BLESSURES

On reconnaît maintenant que les troubles musculo-squelettiques sont l'un des plus graves risques pour la santé dans l'industrie à l'heure actuelle. En particulier, les microtraumatismes répétés entraînent la moitié des absences résultant de blessures en Ontario, au Canada, et même. Cette catégorie de blessures est principalement attribuable aux mouvements répétitifs rapides qui changent peu ou pas, aux mauvaises postures gardées pendant longtemps et aux contraintes mécaniques locales appliquées au corps, souvent par les outils qu'utilise le travailleur, comme les pinceaux. Une mauvaise posture entraîne des contractions musculaires prolongées ou statiques qui peuvent causer des douleurs et un malaise ainsi qu'une dégénération des muscles en question à long terme. Les membres supérieurs, le cou et les épaules subissent le plus souvent ce genre de blessure.

On tient un pinceau conventionnel pendant longtemps, la main se fatigue et devient raide car le manche droit force la main à s'adapter au pinceau. D'autres malaises oropels peuvent se produire parce qu'il faut se contorsionner et s'étirer pour voir où se situe le pinceau conventionnel.

Le pinceau Flowline de Dynamic, spécialistes de Paint Sundry, permet de réduire le malaise et l'effort causés par les pinceaux conventionnels. La conception brevetée du manche permet à la main d'adopter une position plus détendue lorsqu'elle tient le pinceau.

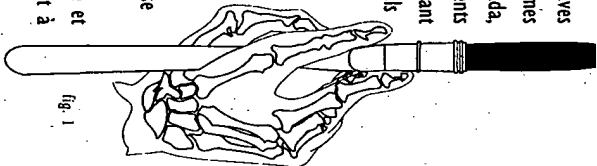


fig. 1

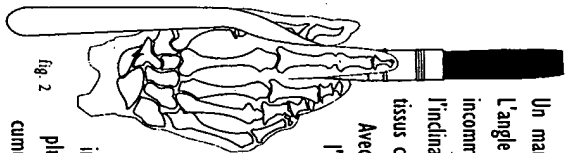


fig. 2

Un manche de pinceau ordinaire, comme dans la figure 1, fait dévier l'index de la ligne du manche d'environ 30 degrés. L'angle entre les deuxième et troisième métacarpes est d'environ 45 degrés. Cet écart entre les angles produit une position inconfortable qui augmente la tension dans la main lorsqu'elle tient le pinceau. En plus des problèmes de position des doigts, l'inclinaison radiale du poignet est d'environ 25 degrés. Cette position non neutre accentue la tension dans le poignet et les tissus connexes.

Avec le pinceau Flowline, montré dans la figure 2, l'index est aligné à la tête du pinceau pour un contrôle accru. Chose plus importante, les deuxième et troisième métacarpes sont parallèles et le poignet est aligné à la main, ce qui permet à cette dernière de manipuler le pinceau de manière plus naturelle et plus confortable.

La nouvelle conception élimine les postures inconfortables et la force de prise liées au risque plus élevé de troubles consécutifs aux traumatismes cumulatifs de la main ou du poignet, comme le syndrome du canal carpien et la tendinite.



Chaque pinceau est fabriqué et taillé à la main pour une finition professionnelle. Disponible en soie ou en polyester et nylon.

Le manche ergonomique est courbé afin d'épouser votre main pour une prise confortable. Le pinceau Flowline est disponible pour les droitiers et les gauchers.



Manches en hêtre faits à la main et séchés au séchoir, à bords poncés lisses pour une prise plus confortable.

Viroles en nickel antirouille à double joint enclenché pour plus de durabilité. Pinceaux à liant époxydique pour une perte minimum de soies.

**DYNAMIC**

*Flowline*



Flowline

LA PEINTURE INTELLIGENTE

L'industrie de la peinture offre un contexte plus intelligent, plus sain et plus amical grâce au lancement, par Dynamic, d'une série de pinceaux de conception ergonomique pour les peintres droitiers et gauchers. La forme unique du manche du pinceau Flowline recèle tous les secrets qui rendent ce pinceau nouveau genre remarquable :

- grâce à la courbe du manche, le pinceau épouse la main
• sa tenue n'exerce aucune pression sur la main
• son confort le rend idéal pour les peintres professionnels et amateurs et les personnes âgées
• il s'agit du premier pinceau conçu pour les droitiers ou les gauchers
• il offre une meilleure ligne de visée, ce qui permet de peindre des lignes plus droites
• il permet une application facile dans les endroits d'accès difficile
• aucun dégât lorsqu'on dépose le pinceau en raison de son point d'équilibre unique

Lorsqu'on tient un pinceau conventionnel pendant longtemps, la main se fatigue et devient raide car le manche droit force la main à s'adapter au pinceau. D'autres malaises corporels peuvent se produire parce qu'il faut se contorsionner et s'étirer pour voir où se place le pinceau conventionnel. Rien de cela ne se produit si le peintre utilise un pinceau Flowline de Dynamic.

Robert G. Koch, D.C., renforce la preuve que le nouveau pinceau Flowline comporte des avantages pour la santé : en examinant des radiographies de mains tenant un pinceau conventionnel et un nouveau pinceau Flowline, elle a déclaré qu'il semble que le pinceau à manche courbé permet une position squelettique plus naturelle et une meilleure position ergonomique et diminue la tension dans les articulations et les os.

Les pinceaux Flowline en soie (pour la peinture à l'huile) et en polyester et nylon (pour la peinture au latex) sont offerts en quatre largeurs (1 po, 2 po, 3 po et 4 po), ce qui les rend indispensables pour de nombreux projets. On les trouve dans les rayons de peinture. Et pour la première fois, ils sont conçus pour les peintres droitiers ou gauchers.

Adaptateur disponible pour essoreuse centrifuge pour pinceaux et rouleaux Dynamic.

100% SOIES

Table with 3 columns: UGS, Description, CUP. Lists various brush models and their specifications.

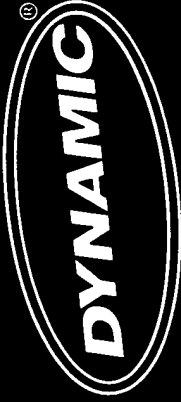
POLYESTER ET NYLON

Table with 3 columns: UGS, Description, CUP. Lists various brush models and their specifications.

JEUX DE PINCEAUX

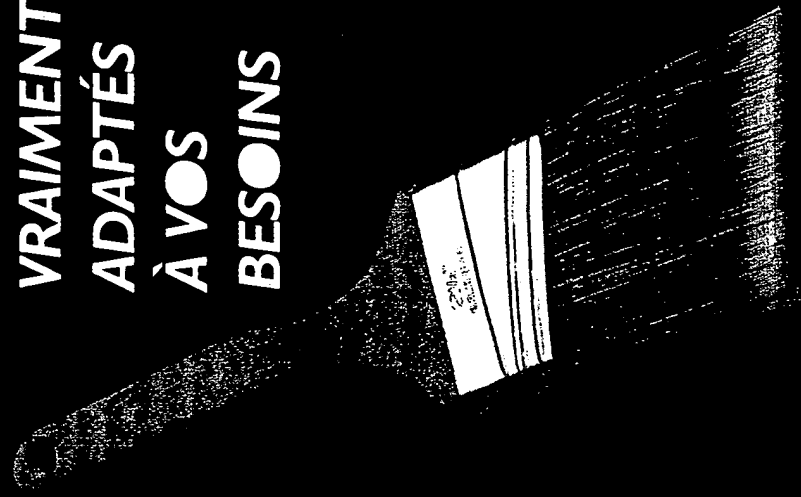
Table with 2 columns: UGS, Description. Lists brush sets for spinners and nylon brushes.

\*Comprend six pinceaux pour droitiers, deux pinceaux pour gauchers et quatre adaptateurs pour essoreuse centrifuge.



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